

Attachment #1

STATUTORY CHANGES TO USE OF COP-REGULAR, COP-W, CIP II IN CBRFs
From 2001 Wisconsin Act 16
Enacted September 1, 2001

COMMUNITY OPTIONS PROGRAM

46.27 (3) Duties of Participating Counties. The county board of supervisors of any county participating in the program shall: *[language amended to read:]*

- (f) Beginning on January 1, 1996, from the annual allocation to the county for the provision of long-term community support services under subs. (7) (b) and (11), annually establish a maximum total amount that may be encumbered in a calendar year for services for eligible individuals in community-based residential facilities, unless the department waives the requirement under sub (2) (i) or approves a request for an exception under sub. (6r) (c).

46.27 (7) Funding. *[language amended to read:]*

(cm) 1. (intro)

~~Except as provided sub. (7b), beginning~~ Beginning on January 1, 1996, no county, private nonprofit agency or aging unit may use funds received under par. (b) to provide services in any community-based residential facility that has more than ~~8-20~~ beds, unless one of the following applies:

- a. The department approves the provision of services in a community-based residential facility that is licensed on July 29, 1995, and that meets standards established under subd. 2.
- b. The department approves the provision of services in a community-based residential facility that entirely consists of independent apartments, each of which has an individual lockable entrance and exit and individual separate kitchen, bathroom, sleeping and living areas, to individuals who are provided services under sub. (5) (b) and are physically disabled or are at least 65 years of age.
- c. The department approves the provision of services in a community-based residential facility that is initially licensed after July 29, 1995, that is licensed for more than 20 or fewer beds and that meets standards established under subd. 2.

46.27 (7b) Pilot Program in Chippewa County. *[language repealed]*

COMMUNITY OPTIONS PROGRAM-WAIVER

46.27 (11) Medical Assistance Waiver

(c) The following conditions apply under the waiver:

6. *[language **amended** to read:]*

- a. No county, private nonprofit agency or aging unit may use funds received under this subsection to provide residential services in ~~any community based residential facility, as defined in s. 50.01 (1g), or a group home, as defined in s. 48.02 (7), that has more than 45 beds, unless one of the following applies:~~ ~~a. The~~ the department approves the provision of services in a community-based residential facility or group home that has 5 6 to 8 beds.
- b. ~~[language repealed:] The department approves the provision of services in a community-based residential facility that entirely consists of independent apartments, each of which has an individual lockable entrance and exit and individual separate kitchen, bathroom, sleeping and living areas, to individuals who are eligible under this subsection and are physically disabled or are at least 65 years of age.~~ [language recreated to read:] No county, private nonprofit agency, or aging unit may use funds received under this subsection to provide residential services in a community-based residential facility, as defined in s. 50.01 (1g), that has more than 20 beds, unless the requirements sub. (7) (cm) 1 a., b., c. are met.

COMMUNITY INTEGRATION PROGRAM (CIP II)

46.277 (5) Funding. *[language amended to read]*

- (d) 1m. No county may use funds received under this section to provide services to a person who does not live in his or her own home or apartment unless, subject to the limitations under subds. 2. ~~and~~, 3., and 4. *[see below for this language]* and par. (e), one of the following applies:
 - 1n. A county may also use funds received under this section, subject to the limitations under subds. 2. ~~and~~, 3., and 4. *[see below for this language]* and par. (e), to provide services to a person who does not live in his or her own home or apartment if the services are provided to the person in a community-based residential facility and the county department or aging unit has determined that all of the following conditions have been met:
 2. *[amended to read]:*
No county may use funds received under this section to provide residential services in any community-based residential facility, as defined in s. 50.01 (1g), ~~or group home, as defined in s. 48.02 (7), that has more than 4 beds,~~ unless one of the following applies:
 - a. *[language repealed and recreated to read:]* The requirements of s. 46.27 (7) (cm) 1. a. or c. are met. *[the new size limitations (a) up to 20 and (c) over 20...]*
 4. *[created to read:]*
No county may use funds received under this section to provide residential services in a group home, as defined in s. 48.02 (7), that has more than 5 beds, unless the department approves the provision of services in a group home that has 6 to 8 beds.